

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii

March 24, 2011

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: Acceptance of Hearing Officer's Report on a Public Hearing for Two Proposed Additions to the Forest Reserve System on the Island of Kauai.

Confirm and Adopt Prior Board Action and Recommend to the Governor Issuance of an Executive Order for Addition of Approximately 52 acres to Lihue-Koloa Forest Reserve at Wailua, Lihue, Kauai, Tax Map Key (4) 3-9-001: portions of 002.

Approval and Recommendation to the Governor Issuance of an Executive Order for Addition of Approximately 11.66 Acres to Puu ka Pele Forest Reserve at Waimea Valley, Waimea, Kauai, Tax Map Key (4) 1-5-003:001.

Background: At its meeting of February 23, 2001, item D-11, the Board approved to recommend to the Governor a set-aside to the Division of Forestry and Wildlife (DOFAW) for approximately 52 acres of land for addition to Lihue-Koloa Forest Reserve at Wailua, Lihue, Kauai (Exhibit A). Historically, this area was a part of lands leased to Lihue Plantation Co., which closed down in 2000. The area was then divided into agricultural leases known as the "Kalepa Lands" and managed by the Land Division. The Department of Agriculture's Agricultural Development Corporation (ADC) became interested in assuming management of the Kalepa Lands, and through actions by the Board at its meeting of April 25, 2008, item D-1, and Governor's Executive Order No. 4328, dated August 24, 2010, the Kalepa Lands including the subject 52-acre portion of Tax Map Key (4) 3-9-001:002 were transferred to ADC. ADC acknowledged (Exhibit B) that this specific 52 acre area was only included in a larger set-aside process as a temporary measure, with the ultimate intended purpose of a set-aside to DOFAW. The request before you today represents the final Board approval needed to support completion of the set-aside to DOFAW for shooting range development purposes.

At its meeting of September 9, 2010, item D-1, the Board approved in concept the set-aside of approximately 11.66 acres (Tax Map Key (4) 1-5-003:001) to DOFAW for addition to Puu ka Pele Forest Reserve, Waimea Valley, Waimea, Kauai (Exhibit C). This property is currently unencumbered State land but was previously the subject of a General Lease issued by the Land Division. This lease was cancelled under a mutual agreement between the lessee and the Land

Board on March 31, 2010. Pursuant to Governor's Executive Order No. 4202, dated October 9, 2007, much of the land surrounding the subject parcel was added to Puu ka Pele Forest Reserve. DOFAW seeks to add the subject parcel to Puu ka Pele Forest Reserve as this would provide consolidation of management for State lands in the area and provide the protection of statutes and rules associated with the Forest Reserve System.

Approval to hold a public hearing on the subject proposed forest reserve additions was obtained from the Board of Land and Natural Resources at its meeting of September 9, 2010, item D-1. Approval to hold the public hearing and to appoint Galen Kawakami, the Division's Kauai Branch Manager, as the Hearing Officer was obtained from the Chairperson on November 29, 2010.

In accordance with a Notice of Public Hearing published in the Maui News, Honolulu Star Advertiser, Garden Island, West Hawaii Today, and Hawaii Tribune-Herald newspapers, a public hearing was held on January 26, 2011 to receive public input on the subject item.

No members of the public attended this meeting, the proceedings of which are summarized in the attached Hearing Officer's report (Exhibit D). No verbal testimony was received regarding these items. No written testimonies were received by mail after the meeting. Based on these results, staff recommends final processing of the proposed transfers.

RECOMMENDATIONS:

That the Board of Land and Natural Resources:

1. Accept and approve the Hearing Officer's report and minutes for the public hearing held on January 26, 2011 relating to two proposed Forest Reserve System additions on the island of Kauai as described above.
2. Based on the results of the public hearing held on January 26, 2011 on the island of Kauai, the Board confirms and adopts its prior recommendations made at the Board meeting of February 23, 2001, item D-11, setting aside approximately 52 acres to DOFAW for addition to Lihue-Koloa Forest Reserve at Wailua, Lihue, Kauai, Tax Map Key (4) 3-9-001: portions of 002 as described above. The Department shall request that the Governor issue two Executive Orders to accomplish this action – one removing approximately 52 acres from the operation of Governor's Executive Order No. 4328, dated August 24, 2010, and a second setting aside the same 52 acres to DOFAW.
3. Approve of and recommend to the Governor issuance of an executive order setting aside approximately 11.66 acres to DOFAW for addition to Puu ka Pele Forest Reserve at Waimea Valley, Waimea, Kauai, Tax Map Key (4) 1-5-003:001 as described above.
4. Recommendation Nos. 2 and 3 are further made subject further to the following:

- A. The standard terms and conditions of the most current executive order form, as may be amended from time to time;
- B. Disapproval by the Legislature by two-thirds vote of either the House of Representatives or the Senate or by a majority vote by both in any regular or special session next following the date of the setting aside;
- C. Review and approval by the Department of the Attorney General; and
- D. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.


Respectfully submitted,



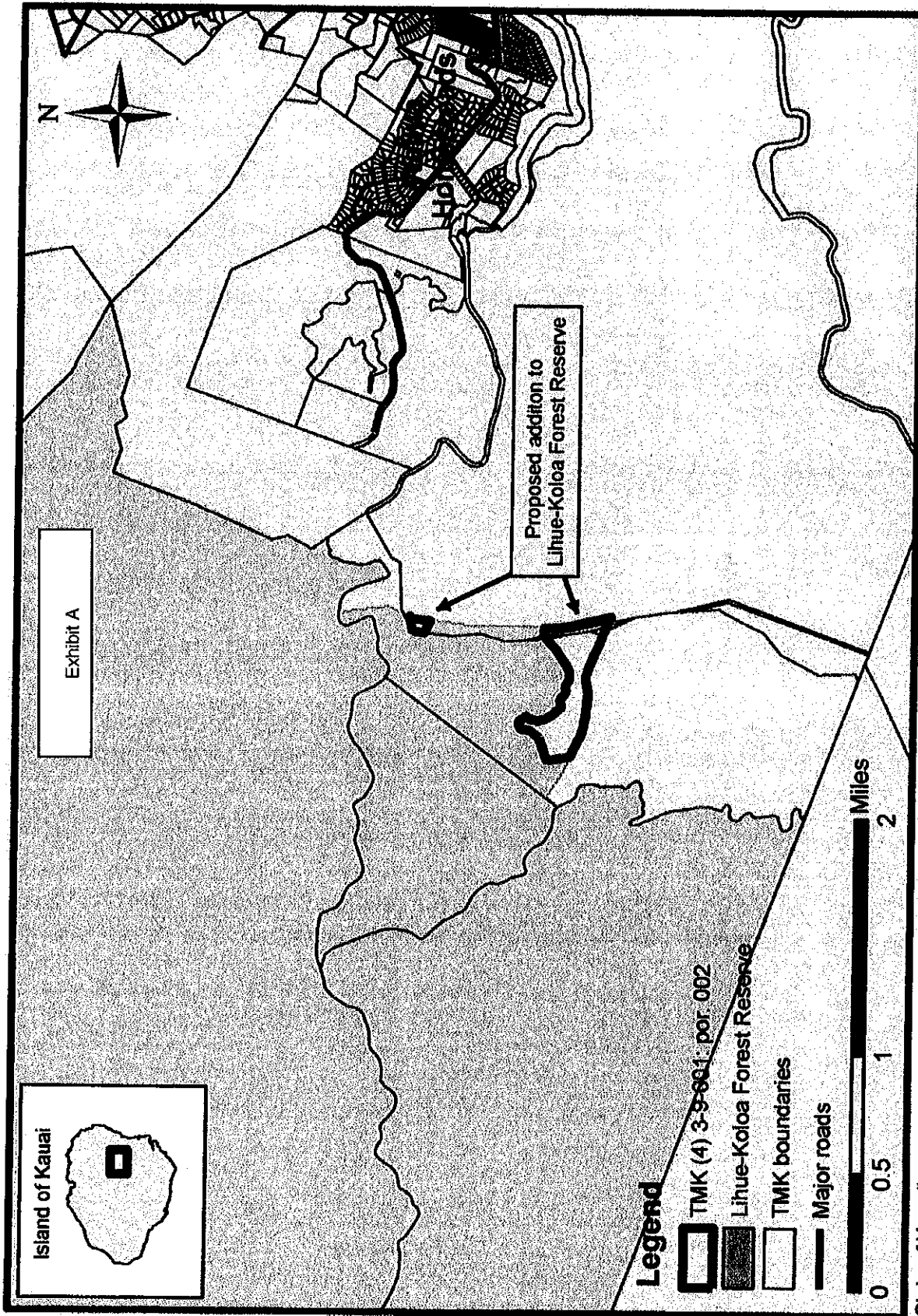
PAUL J. CONRY
Administrator

Attachments

APPROVED FOR SUBMITTAL:



William J. Aila, Jr., Interim Chairperson
Board of Land and Natural Resources



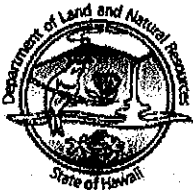
August 2010

LINDA LINGLE
GOVERNOR OF HAWAII



EXHIBIT B

LAURA H. THIBLEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 26, 2010

Ref. No.:01KD-326

Ref. No.:05KD-134

MEMORANDUM

TO: Alfredo Lee, Executive Director
Agribusiness Development Corporation

FROM: Morris Atta, Acting Administrator
Land Division

Paul Conry, Administrator
Division of Forestry and Wildlife

SUBJECT: Set aside to Division of Forestry and Wildlife Approximately 54 Acres for
Addition to Lihue-Koloa Forest Reserve

The Land Board at its meeting on February 23, 2001, under agenda Item D-11, approved a set aside to the Division of Forestry and Wildlife, approximately 54 acres for addition to Lihue-Koloa Forest Reserve. Subsequent submittals followed affecting other aspects of the Board's February 23, 2001 approval.

As of today, we are unable to complete the set aside to Division of Forestry and Wildlife because they have not completed the survey and subdivision of the 54 acres. We estimate this task would be completed sometime in 2011.

In the meantime, we have requested the Attorney General's office to prepare the set aside document for Agribusiness Development Corporation, approved by the Land Board at its meeting on April 25, 2008, under agenda Item D-1, covering all of those State owned properties known as "Kalepa," which includes the previously mentioned 54 acres. It is highly probable the set aside to ADC will be completed before we are able to complete the survey and subdivision of the 54 acres.

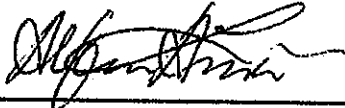
Memo to Mr. Alfredo Lee
July 26, 2010
Page 2

Therefore, this memorandum is to document, that Agribusiness Development Corporation will have no objections to the withdrawal and subsequent set aside of the approximately 54 acres to the Division of Forestry and Wildlife.

Furthermore, if for some reason the Division of Forestry and Wildlife consultants' require entry onto the 54 acres, we are to obtain written permission from Agribusiness Development Corporation for a right-of-entry.

If you have any questions, please feel free to contact our staff, Mr. Michael Constantinides at 587-4186 or Ms. Charlene Unoki at 587-0426. Thank you.

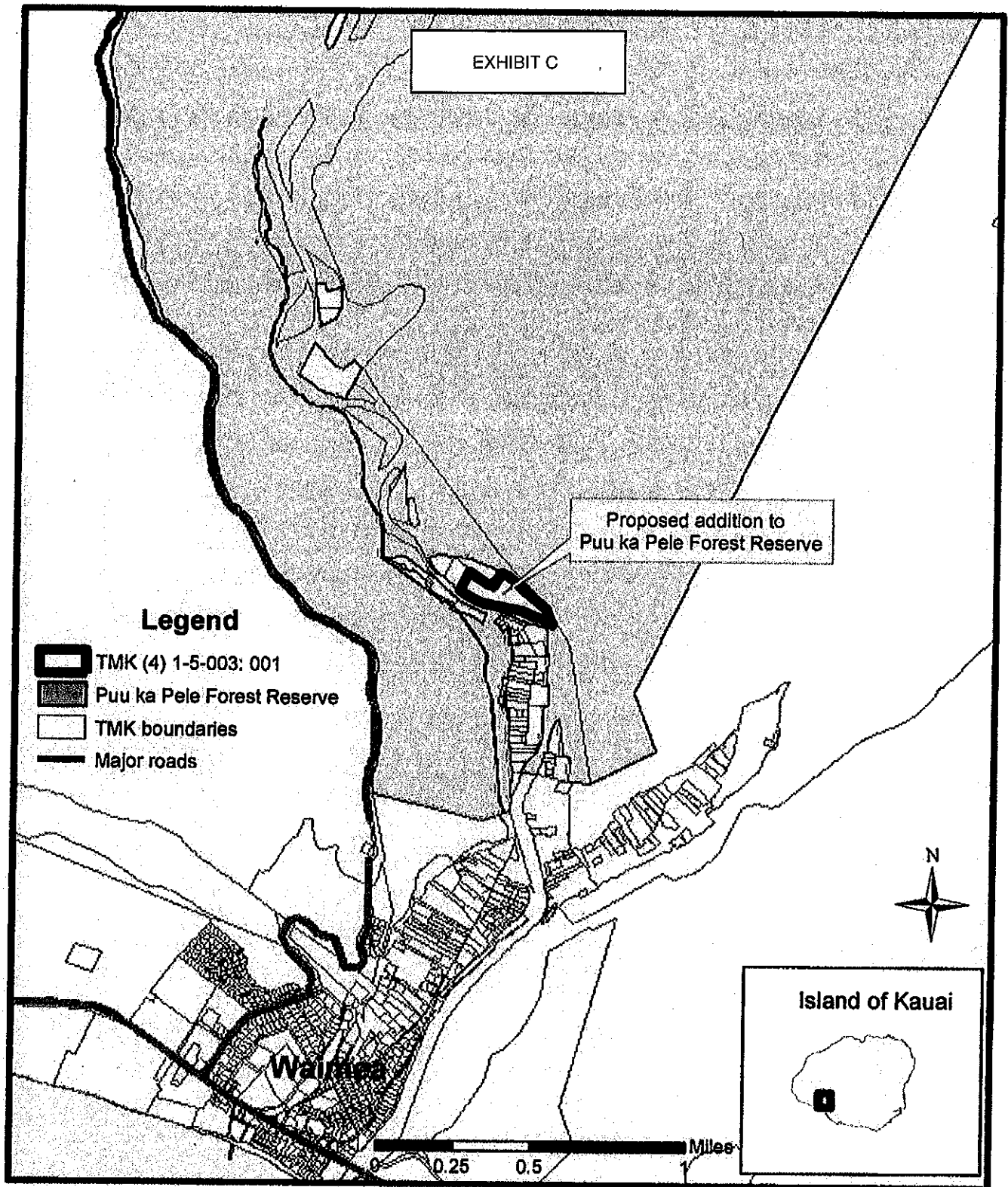
APPROVED:



AGRIBUSINESS DEVELOPMENT CORPORATION

9/15/2010

Date



HEARING OFFICER'S REPORT AND MINUTES OF:
Public Hearing for Two (2) Proposed Change Affecting the Area of
Government Forest Reserve Lands on the Island of Kauai

Chiefess Kamakahelei Middle School Cafeteria
4431 Nuhou Street
Lihue, HI 96766

6:00 pm

January 26, 2011

SUMMARY OF TESTIMONIES RECEIVED

Written testimonies are kept on file in the Division of Forestry and Wildlife for public review.

No oral testimonies were received.

No written testimonies were received.

I. SUMMARY OF PUBLIC HEARING PROCEEDINGS

- A. The public hearing was called to order at 6:00 pm. In attendance were the following staff members from the Department of Land and Natural Resources:

Division of Forestry and Wildlife:

Galen Kawakami – Hearing Officer

Patrick Porter

Jacqueline Robson

Kauai Branch Manager

Kauai Protection Forester

Forestry & Watershed Planner

- B. No members of the public attended the meeting, thus no written or oral testimony was collected in regards to the proposed Forest Reserve additions during the meeting. The information that the Division of Forestry and Wildlife had prepared regarding these items was not presented as there were no attendees other than staff.
- C. The public hearing was adjourned at 6:20 pm.

II. APPROVALS AND NOTICES OF PUBLIC HEARING

- A. Approval to hold a public hearing on the proposed forest reserve additions and withdrawals was obtained from the Board of Land and Natural Resources on September 10, 2010.
- B. Approval to hold the public hearing and to appoint Galen Kawakami as the Hearing Officer was obtained from the Chairperson on November 29, 2010.
- C. Notice of this public hearing was published in the Maui News, Honolulu Star Advertiser, Garden Island, West Hawaii Today, and Hawaii Tribune-Herald newspapers on Sunday, January 9, 2011.

Minutes prepared and respectfully submitted by Jacqueline Robson.